

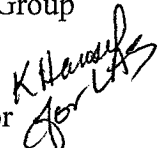
# **Assurances Update**

## Memorandum

Date: September 10, 1998

To: CALFED Policy Group

From: Lester A. Snow  
Executive Director



Subject: Assurances -- Governance of the Ecosystem Program

### Summary

The three attachments to this memo describe staff proposals for providing additional details for CALFED Bay-Delta Program assurances. The first two attachments discuss the concept of a new entity responsible for implementation of the Ecosystem Restoration Program. This concept has been discussed previously in the BDAC Assurances Work Group, CALFED Management Team, and CALFED Policy Group. In general there is substantial support for creation of such an entity, along with numerous concerns relating to governance, funding, responsibilities, and powers.

The third attachment provides a brief overview of assurances issues related to implementation of Stage 1, Phase III of the Program.

### Action

Concurrence Item. Staff is seeking concurrence from the Policy Group to proceed with fleshing out the issues and details associated with an implementation entity for the ERP and assurances for Stage 1 actions. This detail will provide the major significant additions to the assurances package included with the revised draft Programmatic EIR/EIS released this December.

### Detailed Discussion

The ERP implementing entity discussion is introduced in two discussion papers (Attachments 1 and 2). The first, "Governance of the Ecosystem Program, August 25," summarizes potential benefits, roles, resources, tools, and authorities associated with a new

#### CALFED Agencies

**California**  
The Resources Agency  
Department of Fish and Game  
Department of Water Resources  
California Environmental Protection Agency  
State Water Resources Control Board

**Federal**  
Environmental Protection Agency  
Department of the Interior  
Fish and Wildlife Service  
Bureau of Reclamation  
U.S. Army Corps of Engineers

**Department of Agriculture**  
Natural Resources Conservation Service  
Department of Commerce  
National Marine Fisheries Service

entity. A fundamental assumption is that the entity would have no regulatory authority, and would in fact be regulated by existing regulatory agencies. Within that framework, the entity would be endowed with sufficient resources to implement ecosystem restoration actions. A high degree of flexibility and accountability for success would be essential for successful implementation based on adaptive management.

The second discussion paper, "Strategic Plan Chapter 6. Strategic Plan Recommendations Regarding a Governing Entity for the ERP, prepared by ERP Strategic Plan Core Team, August 25, 1998," builds on the framework laid out in the first paper, with more detailed discussion of structures and procedures necessary to assure adequate monitoring, scientific review, and decision making.

The third discussion paper (Attachment 3) provides a brief overview of assurances for Stage 1, Phase III actions. The assurances elements must be adapted to the proposed staged decision-making, staged implementation process embodied in the Preferred Alternative Framework. By breaking the program actions into shorter time periods with proposed discrete and well-defined actions many of the key assurances concerns are addressed. Some stakeholders are now advocating that Stage 1 be subdivided into three sub-stages with well-defined actions to provide the appropriate assurances that the Program will be implemented in a fair and reasonable manner.

Attachments